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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/749,413

12/28/2000

Akira Aoki

2755/56

5250

23838

7590

06/18/2004

KENYON & KENYON

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EXAMINER

BURLESON, MICHAEL L

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,413

Applicant(s)

AOKI, AKIRA

Examiner

Michael Burleson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

2. The information disclosure statement (IDS) was submitted on December 28, 2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

1. Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 4 and 6. See MPEP § 608.01(n). Accordingly, the claim 7 has not been further treated on the merits.
2. Claims 1 and 4 objected to because of the following informalities:
3. Regarding claim 1, "A method for calibrating color of an image in transmission between a pair of computer image processing systems A and B, comprising" should read, -- A method for calibrating color of an image in transmission between a pair of computer image processing systems A and B, comprising the steps of: --.

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4. Regarding claims 4 and 6, " preparation of common standard color image z for said systems in advance to said preparatory operation, said preparatory operation comprising " should read, -- preparation of common standard color image z for said systems in advance to said preparatory operation, said preparatory operation further comprising the steps of: --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claims 4-6, applicant teaches of carrying out a color matching operation. It is unclear if applicant is referring to said color matching operation as taught in claim 1 or of another color matching operation.

4. Regarding claim 7, applicant teaches of a preparatory operation. It is unclear if applicant is referring to said preparatory operation as taught in claim 1 or of another preparatory operation.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. US 5801853 in view of Liang US 5579031.
3. Regarding claim 1, Yamada et al. teaches of a color image that is transmitted from a color scanner (1) at the transmitting side to a color printer (2) at a receiving side (column 3, lines 55-58) and color correction value calculation mode or calibration mode for calculating parameters of color (column 4, lines 10-13), which reads on a method for calculating color of an image in transmission between a pair of computer image processing systems A and B.
4. Yamada et al. fails to teach of a preparatory operation and a color matching operation.
5. Liang teaches the values generated by LUT (28) lead to values that correctly reproduce colors on the second display (14) which visually match the colors on the first display (12) (column 5, lines 49-52 and figure 3 and 5), which reads on a preparatory operation for selecting a correction value for applying a color matching operation by either one of said computer image processing

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systems A and B based upon a common standard color image and a color matching operation applied to a digital image displayed on a monitor of either one of said systems A and B to create a condition of substantial coincidence of a color thereof with a color of an original image by adopting said correction value.

6. Yamada et al. could be modified with the method of selecting a correction value and color matching operation of Liang. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to match the colors of the image between two systems.

7. Regarding claim 2, Liang teaches that LUT (28) lead to values that correctly reproduce colors (column 5, lines 49-52). A gamut matching device (70) performs a mathematical manipulation to the set of values, which is used in color matching, which is inserted in the LUT (28) (column 10, lines 4-16). This reads on a method for calibrating color of an image in transmission between a pair of computer image processing systems A and B, according to claim 1, said preparatory operation further comprising: an operation of making an action program by adopting said correction value to carry out said color matching operation without adjusting respective color data separately by a manual operation, and said color matching operation being carried out by adopting said action program to said color matching operation.

8. Regarding claim 3, Yamada et al. teaches the color image signals are RGB (column 3, lines 62), which reads on common standard color image is a RGB standard color image.

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Allowable Subject Matter

9. Claims 4-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

3. Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (703) 305-8683 and fax number is (703) 746-3006. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (703) 305-4863

Michael Burleson
Patent Examiner
Art Unit 2626

MB

Mlb
June 9, 2004

MARK WALLERSON
PRIMARY EXAMINER

[Signature]